

**BILL ANALYSIS**

C.S.H.B. 3669  
By: Rogers  
Land & Resource Management  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Concerns have been raised regarding some water districts that abuse the limited governmental powers that the legislature has granted them. C.S.H.B. 3669 seeks to address these concerns by waiving the governmental immunity of a groundwater conservation district and of certain water districts with respect to a proceeding to exercise the power of eminent domain over a real property interest of the district.

**CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.H.B. 3669 amends the Water Code to waive the governmental immunity of a groundwater conservation district and of certain water districts with respect to a proceeding to exercise the power of eminent domain over a real property interest of the district. This waiver prevails over a special law governing a district or any other statute.

C.S.H.B. 3669 establishes that it is the legislature's intent that the bill's passage codifies settled common law that holds that a water district's governmental immunity is waived with respect to a proceeding to exercise the power of eminent domain over a real property interest of the district.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

**COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3669 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced provided for the exercise of the power of eminent domain over real property owned by a district outside the district's boundaries, the substitute instead provides for the exercise of the power of eminent domain over a real property interest of the district.

The substitute includes a provision not included in the introduced that establishes that it is the legislature's intent that the bill's passage codifies settled common law that holds that a water district's governmental immunity is waived with respect to a proceeding to exercise the power of eminent domain over a real property interest of the district.

The substitute changes the bill's effective date to provide for its possible immediate effect, contingent on receiving the requisite constitutional vote, whereas the introduced provided only for the bill to take effect September 1, 2023, with no possibility for immediate effect.